

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

LOWE'S HOME IMPROVEMENT

and

**Cases 29-CA-143667
29-CA-146545**

SALVATORE OLIVA

ORDER¹

The Employer's petition to revoke subpoena duces tecum B-1-M60LQB is granted in part and denied in part. The petition is granted to the extent that paragraph 2 of the subpoena seeks documents that do not cover the Staten Island facility.² In all other respects, the petition is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations.³ Further, the Employer has failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., August 24, 2015.

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
KENT Y. HIROZAWA,	MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² This Order is without prejudice to the Region's issuance of a new subpoena seeking additional information, if it can establish why such information is relevant to its investigation.

³ In considering the petition to revoke, we have evaluated the subpoena as clarified by the Region in its opposition brief. To the extent that the Employer has already provided the Region with documents encompassed by this subpoena, it is not again required to provide them, provided that the Employer accurately describes which documents it has already provided, states whether those previously-supplied documents constitute all of the requested documents, and provides all of the information that was subpoenaed.